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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,326	10/22/2003	Viktor V. Jarikov	86541RLO	3589

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Thomas H. Close
Patent Legal Staff
Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201

EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,326

Applicant(s)

JARIKOV ET AL.

Examiner

Dawn Garrett

Art Unit

1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-102 is/are pending in the application.
- 4a) Of the above claim(s) 2-10,13,15,18-48,51-59,62-79 and 81-102 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,11,12,14,16,17,49,50,60,61 and 80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10-21-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment received October 21, 2005. Claims 1-102 are pending. Claims 2-10, 13, 15, 18-48, 51-59, 62-79, and 81-102 stand withdrawn as non-elected. Claims 1, 11, 12, 14, 16, 17, 49, 50, 60, 61, and 80 are under consideration.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The objection to the specification set forth in the last Office action (mailed September 6, 2005), paragraph 2, is withdrawn. The amendment to the specification is acknowledged.
4. The objection to claim 80 set forth in the last Office action, paragraph 3, is withdrawn due to the amendment of claim 80.
5. The rejection of claim 16 under 35 USC 112, second paragraph, set forth in the last Office action, paragraph 5, is withdrawn due to the amendment.
6. The rejection of claims 1, 11, 12, 14, 16, 17, 49, 50, 60, 61, and 80 under 35 USC 102(e) as being anticipated by Oh et al. (US 2003/0118866 A1) is withdrawn due to the amendment of claim 1 to exclude amino substituents.
7. The rejection of claims 1, 11, 12, 14, 16, 17, 49, 50, 60, 61, and 80 under 35 USC 102(b) as being anticipated by or, in the alternative under 35 U.S.C. 103(a) as obvious over Aziz et al. (US 6,392,250) is maintained. Aziz et al. discloses a device comprising a mixed light emitting region comprising preferred electron transport material Alq3 (see col. 9, lines 37-45) and at least one dopant (see col. 10, lines 63) including perylene (see col. 10, line 67) and pyran DCJTB (see col. 11, lines 48-51). The dopants, which include "first component" perylene and dopant DCJTB

Art Unit: 1774

are incorporated in an amount of 0.05-10 wt. % (see col. 12, lines 10-12) per instant claims 11 and 16. With regard to claim 12, Alq3 as the electron transporting material of the Aziz et al. device for the mixed region is included in an amount of 30-70 % wt. (see col. 12, lines 8-11). In alternative that Aziz et al. is insufficient to anticipate a device comprising two dopants including perylene and DCJTB, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a device comprising Alq3, perylene and DCJTB in the same light emitting layer according to the teachings of Aziz et al.

8. The rejection of claims 1, 11, 12, 14, 16, 17, 49, 50, 60, 61, and 80 under 35 U.S.C. 103(a) as being unpatentable over Aziz (US 6,392,250) in view of Fujita et al. (US 2003/0137241) is maintained. Aziz et al. discloses in analogous art a device comprising a mixed light emitting region comprising preferred electron transport material Alq3 (see col. 9, lines 37-45) and at least one dopant (see col. 10, lines 63) including perylene (see col. 10, line 67) and pyran DCJTB (see col. 11, lines 48-51). The dopants, which include "first component" perylene and dopant DCJTB are incorporated in an amount of 0.05-10 wt. % (see col. 12, lines 10-12) per instant claims 11 and 16. With regard to claim 12, Alq3 as the electron transporting material of the Aziz et al. device for the mixed region is included in an amount of 30-70 % wt. (see col. 12, lines 8-11). Although Aziz et al. clearly teaches "perylene and the like" as suitable fluorescent dopant material for the Aziz et al. device, which reads upon the "first component" of the instant claims, Aziz et al. fails to set forth specific perylene derivative compounds according to the claim 80 formula. Fujita et al. discloses in analogous art it is known to add substituent groups to light emitting perylene and use the compounds in an organic electroluminescent device (see Fujita Formula (1) and description of substituent groups). It would have been obvious to one of

Art Unit: 1774

ordinary skill in the art at the time of the invention to have used a substituted perylene compound as taught by Fujita in the Aziz et al. device, because Aziz et al. teaches that perylene and perylene-like compounds are suitable for the mixed light emitting region of the device.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 1, 11, 12, 14, 16, 17, 49, 50, 60, 61, and 80 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Applicant has added the following negative limitation to claim 1:

“wherein the first component is not an amino-substituted perylene with or without a linking phenylene group between the amino group and perylene”. It is not seen where the specification provides full support for the breadth of this claim limitation. Support is provided in the specification to exclude diarylamino, dialkylamino, and arylalkylamino substituents from the specific perylene derivatives shown in the formulas; however, the added negative limitation appears to include compounds outside the scope of the specific formulas set forth in the specification. Accordingly, the negative limitation in claim 1 is considered to be new matter.

b. It is not seen where the specification provides support for “in a range of greater than zero” in claim 16. It is not seen where the specification provides support for this specific

Art Unit: 1774

claim language and applicant does not appear to have indicated where support may be found.

The phrase is considered to be new matter.

Response to Arguments

11. Applicant's arguments filed October 19, 2005 have been fully considered but they are not persuasive.

The arguments with regard to the Oh et al. reference are now moot since the Oh et al. rejection has been withdrawn.

With regard to the Aziz et al. rejection, applicant states that the perylene mentioned by Aziz et al. is used as a blue emissive dopant and is not the perylene set forth in element (d)(i) of claim 1 which does not emit light. The examiner respectfully disagrees that the perylene in claim (d)(i) is clearly defined as non-emissive. The claim language describing component 1 merely states that the compound is "capable" of certain functions. Capabilities of a compound would appear to be inherent properties of a compound. If a reference describes a certain compound as present in a layer and that same compound is present in applicant's device, then the compound of each device is capable of doing the same function. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or composition claims.

General Electric v. Jewe Incandescent Lamp Co., 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fritzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

With regard to the rejection over Aziz et al. (US 6,329,250) in view of Fujita et al. (US 2003/0137241), the secondary reference Fujita et al. is relied upon to teach that it is known in the

Art Unit: 1774

art to add substituent groups to light emitting perylene and use the compounds in an organic electroluminescent device (see Fujita Formula (1) and description of substituent groups).

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1774

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
January 5, 2006